

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN ADMIRALTY

CASE NO.: 2:23-cv-303-JES-KCD

IN THE MATTER OF:

THE COMPLAINT OF RANDAL TOCA  
AS OWNER OF THE 1994 70'  
HATTERAS M/Y MADAME MUSIQUE,  
bearing HIN HATDP4421394 and ON  
999308, and its ENGINES, TACKLE,  
APPURTENANCES, EQUIPMENT,  
ETC., for EXONERATION FROM OR  
LIMITATION OF LIABILITY,

Petitioner.

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**ORDER**

The Court previously approved an *ad interim* stipulation of value and directed issuance of monition and injunction. (Doc. 5.) A monition still needs to be issued, making the deadline for filing claims untenable. Thus, the Court will issue the monition documents and provide a new deadline for claims. All other directives in the Court's previous Order (Doc. 5) remain in effect.

Accordingly, it is now **ORDERED**:

The Clerk is **DIRECTED** to issue the attached notice of monition to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk of the Court in writing, and to serve on the attorneys for the

Plaintiff a copy thereof on or before **October 16, 2023**, or be defaulted, and if any claimant desires to contest either the Plaintiff's right to exoneration from or the right to limitation of liability, any such claimant(s) shall file and serve on Plaintiff's attorneys an answer to the Complaint, on or before said date, unless his claim has included an answer to the Complaint, so designated, or be defaulted.

**ORDERED** in Fort Myers, Florida this August 15, 2023.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS DIVISION

IN ADMIRALTY

CASE NO.: 2:23-cv-00303

IN THE MATTER OF:

THE COMPLAINT OF RANDAL TOCA  
AS OWNER OF THE 1994 70'  
HATTERAS M/Y MADAME MUSIQUE,  
bearing HIN HATDP4421394 and ON  
999308, and its ENGINES, TACKLE,  
APPURTENANCES, EQUIPMENT,  
ETC., for EXONERATION FROM OR  
LIMITATION OF LIABILITY,

Petitioner.

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**NOTICE OF MONITION**

LEGAL NOTICE FOR PUBLICATION. Notice is hereby given that Petitioner, RANDAL TOCA ("TOCA"), as Owner of the 1994 70' HATTERAS M/Y MADAME MUSIQUE, bearing HIN HATDP4421394, its Engines, Tackle, Appurtenances, Equipment, Etc. (the "Petitioner Vessel" or "MADAME MUSIQUE"), has filed a Complaint pursuant to Title 46, United States Code, Section 30501-305012, claiming the right to exoneration from or limitation of liability for any and all claims allegedly resulting from an incident which occurred on September 28, 2022, on or near Florida's territorial waters. Any and all persons or corporations claiming damage for any and all losses, destruction or damage arising from, or relating to, the matters set forth in the Complaint shall file their claims with the Clerk of the United States District Court for the Middle District of Florida, Ft. Myers Division, 2110 First St., Ft. Myers, FL 33901 and serve on by mail or email to the Petitioner's attorney, Krista Fowler Acuña, Esq., Hamilton, Miller & Birthisel, LLP, 150 SE Second Avenue, Suite 1200 Miami, Florida 33131, Tel: (305) 379-3686, Fax: (305) 379-3690, [kacuna@hamiltonmillerlaw.com](mailto:kacuna@hamiltonmillerlaw.com) a copy thereof on or before October 16, 2023; any and all persons or corporations desiring to contest allegations of the Complaint shall also file an answer in the United States District Court for the Middle District of Florida, on or before October 16, 2023. **FAILURE TO TIMELY FILE A CLAIM AND/OR ANSWER BY OCTOBER 16, 2023, MAY**

**RESULT IN A DEFAULT AND/OR THE WAIVER OF YOUR RIGHT TO FILE A CLAIM AND/OR ANSWER.**

**DATED:** August 15, 2023

Elizabeth Warren, CLERK

By: \_\_\_\_\_  
Deputy Clerk